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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,406	09/21/2004	Mikinori Matsuda	258319US6PCT	6209

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EXAMINER

NGUYEN, LINH THI

ART UNIT PAPER NUMBER

2652

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/508,406	<b>Applicant(s)</b> MATSUDA ET AL.	
	<b>Examiner</b> Linh T. Nguyen	<b>Art Unit</b> 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of electing Group I filed on September 23, 2005 is acknowledged. The traversal is on the ground(s) that the examiner can search and examine the application without serious burden. This is not found persuasive because the invention are classified in different areas, thus, requiring different searches which would impose a burden on the examiner to search these two invention.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Rewritable Recording Medium with Disk Detection Device.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is more than 150 words and furthermore, in line 3 "means" is used to describe the opening and closing mechanism. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Mukawa et al (US Patent number 5,745,451).

With respect to claim 1 Mukawa et al discloses a recording medium (Fig. 14) as a recording disk housed in a cartridge (Fig. 14 element 2), said recording medium comprising: a detection hole (Fig. 14 elements 9-10) formed at a predetermined

position on a reference plane of said the cartridge (the reference plane passes horizontally through the disc); and opening and closing means (Fig. 14 element 14) for opening and closing said detection hole and, when said detection hole is in a closed state, forming a plane substantially horizontal level with the reference plane of said cartridge at the position of said detection hole (as clearly shown in Fig. 14, which shows slide valve 14 within window sector 9a and detection hole 9 which slides horizontally within the reference plane).

With respect to claim 2 Mukawa discloses wherein said recording medium has at least a first detection hole (Fig. 18 element 102) and a second detection hole (Fig. 18 element 101); and said second detection hole is opened and closed by said opening and closing means (Fig. 18 element 116), and said first detection hole is in an open state at all times (Fig. 20, element 102; the hole has to be open at all time for the element 120 to detect the reflectance of the disk).

With respect to claim 3 Mukawa discloses wherein an external form of said recording medium is substantially similar to an external cartridge from of another recording medium having at least a first detection hole and second detection hole at predetermined positions (which is inherent that any disk is set at a predetermined position at first, unless user changed it using the opening/closing means) on a reference plane of a cartridge housing a disk, and said recording medium and said other recording medium are in a category of recording media that can be loaded into an identical apparatus (column 3, lines 33-37); the second detection hole of said recording medium indicates that writing is prohibited when the second detection hole ( Fig. 18, element

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101) of said recording medium is in an open state (column 11, lines 8-9); and the first detection hole (element 102) of said other recording medium indicates that writing is prohibited when the first detection hole of said other recording medium is in an open state (column 6 lines 31-36), and the second detection hole of said other recording medium indicates reflectivity of the disk (column 11, line 12).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukawa in view of Akiyama et al (US patent number 5,764,623). For a description of Mukawa see the rejection, supra.

With respect to claim 4 Mukawa does not but Akiyama et al discloses a recording medium wherein the second detection hole (Fig.46 element 29b) of said recording medium is opened and closed according to operation of an operating projection (Fig. 47b) disposed at a predetermined position of said cartridge, and operating directions of opening and closing of the second detection hole of said recording medium (Fig. 48a, element 311) on a basis of a direction of operation of the operating projection of said recording medium are identical (Fig. 48a and 48b) with operating directions of opening

and closing of the first detection hole (Fig. 48b, element 311) of said other recording medium on basis of operation of an operating projection of said other recording medium (Fig. 47a-b).

With respect to claim 5 Akiyama discloses the recording medium as claimed in claim 4, wherein a material thickness of said opening and closing means moved according to the operation of said operating projection is greater than a material thickness of a portion under a bottom surface of said first detection hole (Fig. 47a; elements 312 and 315). Therefore, at the time of the invention, it would have been obvious to modify the disk cartridge of the recording medium of Mukawa with operating projection as taught by Akiyama for the purpose of providing a write protect mechanism that is easier to assemble and will not get damaged from use (column 1, lines 59-67; column 2, lines 2-11).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5531. The examiner can normally be reached on 8-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4483.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

October 28, 2005

  
A. L. WELLINGTON  
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